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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 NANCY CROSS, ) No. C 11-3304 LHK (PR)  
11 )  
12 Petitioner, ) ORDER GRANTING MOTION  
13 v. ) FOR EXTENSION OF TIME TO  
14 ) FILE A NOTICE OF APPEAL  
15 KEITH FUDENNA, et al., )  
16 Respondents. ) (Docket No. 5)

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17 Petitioner filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.  
18 On July 29, 2011, the Court denied Petitioner's petition for lack of jurisdiction, and entered  
19 judgment. In that same order, pursuant to the federal rules, the Court denied a certificate of  
20 appealability.

21 On August 30, 2011, Petitioner filed a motion for extension of time to file a notice of  
22 appeal, along with a notice of appeal ("NOA"). Federal Rules of Appellate Procedure requires  
23 that an NOA "be filed with the Clerk of the district court within 30 days after the entry of the  
24 judgment or order appealed from." Fed. R. App. P. 4(a)(1). Here, Petitioner's NOA is untimely.  
25 However, Petitioner's motion avers that she never received notice of the Court's July 29, 2011  
26 judgment. Federal Rule of Appellate Procedure 4(a)(5) allows a party to move for an extension  
27 of time if the party so moves within thirty days of the expiration of the time to file the notice, and  
28 shows excusable neglect or good cause. Good cause being shown, the Court GRANTS

Petitioner's motion for extension of time to file an NOA, and deems Petitioner's NOA timely  
filed.

IT IS SO ORDERED.

DATED: 9/19/11

  
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LUCY H. KOH  
United States District Judge